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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,848	05/14/2001	John W. Leslie		8348

7590

11/29/2002

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EXAMINER

LE, DANG D

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/854,848

Examiner

Dang D Le

Applicant(s)

LESLIE, JOHN W.

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 10-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 10-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.
2. Applicant's election of claims 1-9 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### *Drawings*

3. Figures 1 and 1a should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, it is not clear what "are generally perpendicular to said upper surface".

Claim 7 recites the limitation " the side edges " in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted of prior art (Figures 2 and 2a) in view of Tahara et al.

Regarding claim 1, the applicant's admitted of prior art shows a starter generator having a body said body having a first end and a second end and a side wall between said ends, said side wall having a plurality of vents adjacent the first end of said body, said first end having an end bell connected thereto and a commutator head assembly connected to said second end, and a fan cover assembly connected to said commutator head assembly, the improvement comprising said end bell having a bearing liner, said bearing liner having a rim extending therefrom toward said first end of said body, said end bell being adapted to be connected to a helicopter body.

The applicant's admitted of prior art does not show the bearing liner having a rim extending therefrom toward said first end of said body such that said rim does not block any portion of a vent in said body.

Tahara et al. show the bearing liner (near bearing 61, Figure 1) having a rim (surface for bearing 61) extending therefrom toward said first end (left to right) of the body (8) such that said rim does not block any portion of a vent (13) in the body (8) for the purpose of reducing heat.

Since the applicant's admitted prior art and Tahara et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the bearing liner with a rim extending therefrom toward said first end of said body such that said rim does not block any portion of a vent in said body as taught by Tahara et al. for the purpose discussed above.

Regarding claim 2, the claim is similar to claim 1 except that it recites the term "support" instead of "rim". It is noted that the applicant's admitted prior art and Tahara et al. show all of the limitations of the claimed invention when combined.

Regarding claims 3 and 4, it is noted that the applicant's admitted prior art also shows said end bell being generally disk shaped and having a top surface and a bottom surface, said top and bottom surfaces being connected by a sidewall, said top and bottom surfaces having a plurality of orifices for providing clearance for bolts on a helicopter except for said end bell having more orifices in said top and bottom surfaces than those orifices that are required for connecting said starter motor to said helicopter, said additional orifices providing increased ventilation for brushes in said commutator head assembly.

It would have been an obvious matter of design choice to make the end bell with more orifices in said top and bottom surfaces than those orifices that are required for connecting said starter motor to said helicopter, said additional orifices providing increased ventilation for brushes in said commutator head assembly, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 5, it is noted that Tahara et al. also show the support having an upper surface generally parallel to said bottom surface of said end bell and a pair of side walls.

Regarding claim 6, it is noted that Tahara et al. also show the sidewalls being generally perpendicular to said upper surface.

Regarding claim 7, it is noted that the applicant's admitted of prior art also shows the side edges being curved.

Regarding claims 8 and 9, it is noted that the applicant's admitted of prior art does not show the upper surface of said support having a length of approximately 0.5 inch and the support having a height in the range of about 0.135 to 0.155 inch.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the upper surface of said support with a length of approximately 0.5 inch and the support with a height in the range of about 0.135 to 0.155 inch, since it has been held that where the general conditions of a claim are

disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

***Information on How to Contact USPTO***

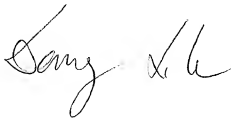
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
November 17, 2002

PL

A handwritten signature in cursive script, appearing to read 'Dang D Le', is written in black ink.